

# महाराष्ट्र शासन राजपत्र

## भाग चार-क

वर्ष २, अंक १३]

गुरुवार ते बुधवार, मे ५-११, २०१६/वैशाख १५-२१, शके १९३८

[पृष्ठे ३८

[ किंमत : रुपये ६.०० ]

## प्राधिकृत प्रकाशन

महाराष्ट्र शासनाव्यतिरिक्त इतर वैधानिक प्राधिकाऱ्यांनी तयार केलेले (भाग एक, एक-अ व एक-ल यांमध्ये प्रसिद्ध केलेले वैधानिक नियम व आदेश यांव्यतिरिक्त इतर) वैधानिक नियम व आदेश ; यात भारत सरकार, उच्च न्यायालय, पोलीस आयुक्त, आयुक्त (राज्य उत्पादन शुल्क), जिल्हादंडाधिकारी व निवडणूक आयोग, निवडणूक न्यायाधिकरण, निवडणूक निर्णय अधिकारी व निवडणूक आयोगाखालील इतर प्राधिकारी यांनी तयार केलेले वैधानिक नियम व आदेश यांचा समावेश होतो.

## जिल्हाधिकारी कार्यालय, पालघर

- वाचले.— (१) केरोसीन फिक्सेशन ऑफ सेलिंग प्राईस ऑर्डर, १९७०
  - (२) मा. अवर सचिव, अन्न, नागरी पुरवठा व ग्राहक संरक्षण विभाग यांचेकडील पत्र क्र. रॉकेल. २०१६/प्र.क्र. ४५/नापु-२७, दिनांक २० फेब्रुवारी २०१६.
  - (३) या कार्यालयाची अधिसूचना क्रमांक पुरवठा/का-१/टे-२/के.द.वाढ/कावि-६७९, दिनांक ३ सप्टेंबर २०१५.
  - (४) कार्यालयीन मंजूर टिपणी, दिनांक १० मार्च २०१६.

## अधिसूचना

क्र. पुरवठा/का.१/टे-२/के.द.वाढ/कावि-१४५.— ज्याअर्थी उपोद्घातातील अ.क्र. (२) वर अंतर्भूत असलेल्या शासन पत्रानुसार शासनाने सार्वजनिक वितरण व्यवस्थेतील केरोसीन घाऊक वितरकांच्या किमशनमध्ये सुधारणा केलेली आहे. त्यामुळे सार्वजिनक वितरण व्यवस्थेअंतर्गत वितरित होणाऱ्या केरोसीनचे घाऊक व किरकोळ विक्री दरात सुधारणा करणे आवश्यक आहे.

त्याअर्थी उपोद्घातातील अ.क्र. (१) वर अंतर्भूत असलेल्या आदेशान्वये मला प्रदान करण्यात आलेल्या अधिकारानुसार मी, अभिजीत बांगर, जिल्हाधिकारी, पालघर जिल्ह्यातील सर्व तालुक्यांचे केरोसीनच्या घरगुती वापराचे घाऊक व किरकोळ विक्रीचे दर पुढील आदेश होईपर्यंत तात्काळ अंमलात आणणेकरिता खालीलप्रमाणे अधिसूचित करत आहे :—

अ.क्र.	तालुका	तालुका घाऊक दर				किरकोळ
		केरोसीनचा	मूल्यवर्धित	एकूण घाऊक	एकूण घाऊक	विक्री दर
		निळ्वळ दर	कर ३ टक्के	विक्री दर (मूल्य-	विक्री दर	(प्रति १
		(प्रति १	प्रमाणे (प्रति १	वर्धित करासह)	(मूल्यवर्धित करासह	लिटर रु. पैसे)
		किलोलिटर रु. पैसे)	किलोलिटर रु. पैसे)	(प्रति १ किलोलिटर	(प्रति २० लिटर	
				रु. पैसे)	रु. पैसे)	
(१)	(7)	(\$)	(8)	(५)	$(\xi)$	(७)
१	वसई	१४९८३.०१	४४९.४९	१५४३२.५०	३०८.६५	१५.६९
?	डहाणू	१५३१३.११	४५९.३९	१५७७२.५०	३१५.४५	१६.०३

(१)	(२)	(\$)	(8)	(५)	(६)	(७)
3	पालघर	१५१७७.१८	४५५.३२	१५६३२.५०	३१२.६५	१५.८९
8	तलासरी	१५३२२.८२	४५९.६८	१५७८२.५०	३१५.६५	१६.०४
ų	जव्हार	१५२६४.५६	४५७.९४	१५७२२.५०	३१४.४५	१५.९८
ξ	विक्रमगड	१५१३८.३५	४५४.१५	१५५९२.५०	३११.८५	१५.८५
9	मोखाडा	१५३४२.२३	४६०.२७	१५८०२.५०	३१६.०५	१६.०६
۷	वाडा	१५०७०.३९	४५२.११	१५५२२.५०	३१०.४५	१५.७८

दिनांक १० मार्च २०१६.

**अभिजीत बांगर,** जिल्हाधिकारी, पालघर.

## नियंत्रक, शिधावाटप व संचालक नागरी पुरवठा, मुंबई

रॉयल इन्शुरन्स इमारत, ५वा मजला, १४, जमशेटजी टाटा रोड, चर्चगेट, मुंबई ४०० ०२०, दिनांक २५ एप्रिल २०१६.

- वाचा.— (१) क्र. निशि/केरो/२०१६/का.वि. १६२/सहा/जा. ९८, दिनांक ४ मार्च २०१६.
  - (२) शासन पत्र क्रमांक रॉकेल-१५१६/प्र.क्र.१०४/नापु-२७, दिनांक २२ एप्रिल २०१६.
  - (३) निशिका-२०१५/प्र.क्र.२६८/नापु-१५, दिनांक २ मार्च २०१६.
  - (४) दि केरोसीन (रेस्ट्रीक्शन ऑन युज ॲण्ड फिक्शेशन ऑफ सिलिंग प्राईस) ऑर्डर, १९९३.

## अधिसूचना

क्र. निशि/केरो/२०१६/का.वि. ३०६/सहा/जा-१७२.— ज्याअर्थी सार्वजनिक वितरण व्यवस्थेमधील एक्स डेपो दरामध्ये दिनांक ९ एप्रिल २०१६ पासून सुधारणा केलेली असल्याचे राज्यस्तरीय समन्वयक, तेल उद्योग, महाराष्ट्र, मुंबई यांनी पत्र क्र. एसएलसी, रेटस्, दिनांक १५ एप्रिल २०१६ रोजीच्या पत्रान्वये शासनास कळविले आहे. त्या अनुषंगाने सुधारित एक्स-डेपो दराचा तक्ता उपरोक्त वाचा क्र. २ सोबत पाठवून, सदर सुधारित एक्स-डेपो दराच्या अनुषंगाने सार्वजनिक वितरण व्यवस्थेअंतर्गत वितरित करण्यात येणाऱ्या केरोसीनचे घाऊक व किरकोळ विक्री दर निश्चित करून त्याबाबत तात्काळ आदेश निर्गमित करावे असे शासनाने कळविले आहे.

त्याअर्थी, वाचा क्र. ४ मध्ये नमूद आदेशान्वये मला प्रदान केलेल्या अधिकारानुसार मी, सुधीर जोशी, प्रभारी नियंत्रक, शिधावाटप व संचालक नागरी पुरवठा, मुंबई, मुंबई शहर शिधावाटप क्षेत्रातील (मुंबई शहर व मुंबई उपनगर) केरोसिनच्या घरगुती वापराचे घाऊक व किरकोळ विक्रीचे दर पुढील आदेश होईपर्यंत तात्काळ अंमलात आणणेकरिता पुढीलप्रमाणे अधिसूचित करीत आहे :—

		सध्याचा दर	सुधारित दर
अ. क्र.	ৰাৰ	(रुपये प्रति कि.लि.)	(रुपये प्रति कि.लि.)
(१)	(7)	(ξ)	(8)
ए	एक्स डेपो दर (रुपये प्रति कि.लि.)	१३,५५३.००	१३,४९२.००
बी	व्हॅट @ ३%	४०६.५९	४०४.७६
सी	घाऊक विक्रेत्यासाठी एकूण खरेदी किंमत (ए + बी)	१३,९५९.५९	१३,८९६.७६
डी	(i) घाऊक विक्रेत्याचे कमिशन	৩१४.१८	৩१४.१८
	<ul><li>(ii) तापमान बदलामुळे येणाऱ्या घटीच्या व हाताळणूक तुटीच्या प्रतिपूर्तीसाठी असाधारण भत्ता</li></ul>	99.00	99.00
	(iii) वाहतूक खर्च	२८०.७९	१८०.७९
	(iv) पथकर (Toll Tax)	90.00	90.00
	(v) घाऊक वितरकांना पूर्णांकाचा लाभ	3.90	६.६५
	(vi) एकूण किंमत वाढ [डी $(i)$ + डी $(ii)$ + डी $(iii)$ + डी $(iv)$ +	डी (v)] १,१६७.८७	१,१७०.६२
इ	एकूण किंमत वाढीवर, व्हॅट @ ३ $\%$ [डी ( $\mathrm{vi}$ ) च्या ३ $\%$ ]	३५.०४	३५.१२
एफ	एकूण [सी + डी $(\mathrm{vi})$ + इ] घाऊक विक्रीचा दर	१५,१६२.५०	१५,१०२.५०
एफ १	किरकोळ विक्रेत्यासाठी खरेदी किंमत	१५,१६२.५०**	१५,१०२.५०**
		(किंमत रुपये	(किंमत रुपये
		१४,७२०.८७ +	१४,६६२.६२ +
		मूल्यवर्धित कर	मूल्यवर्धित कर
		रुपये ४४१.६३)	रुपये ४३९.८८)
जी	(i) किरकोळ विक्रेत्याचे कमिशन	२३१.००	२३१.००
	(ii) किरकोळ विक्रेत्याचे असाधारण भत्ता	१९.००	१९.००
	(iii) किरकोळ विक्रेत्यासाठी एकूण किंमतवाढ = जी (i) + जी (ii)	२५०.००	२५०.००

(१)	(7)	(3)	(8)
एच	किरकोळ विक्रेत्यासाठी एकूण किंमतवाढीवर ३ % व्हॅट [जी (iii) च्या ३ %]	9.40	७.५०
आय	किरकोळ विक्री दर (रुपये प्रति किलो लिटर)	१५,४२०.००**	१५,३६०.००**
		(किंमत रुपये	(किंमत रुपये
		<b>१४,९७०.८७</b> +	१४,९१२.६२ +
		मूल्यवर्धित कर	मूल्यवर्धित कर
		रुपये ४४९.१३)	रुपये ४४७.३८)
जे	किरकोळ विक्री दर (रुपये प्रति लिटर)	१५.४२	१५.३६

शासन परिपत्रक क्र. अन्न, नागरी पुरवठा व ग्राहक संरक्षण विभाग, क्रमांक केईआर-१३७६/३७६९/सतरा, दिनांक १७ डिसेंबर १९७६ नुसार पूर्णांकाचा लाभ एकाच पातळीवर (घाऊक वितरक) घाऊक दरामध्ये समाविष्ट करण्यात आला आहे.

मुंबई, दिनांक २५ एप्रिल २०१६. **सुधीर जोशी,** प्रभारी नियंत्रक, शिधावाटप व संचालक, नागरी पुरवठा, मुंबई.

Nirvachan Sadan, Ashoka Road,

22nd March 2016 New Delhi 110 001, dated the

2 Chaitra, 1938 (Saka)

#### **NOTIFICATION**

No. 82/MT-LA/12/2009 (Aurangabad).—In pursuance of Section 106 of the Representation of the People Act, 1951, (43 of 1951) the Election Commission of India hereby published the judgment/ order dated 30th June 2015 of the High Court of Judicature at Bombay Aurangabad Bench, in Election Petition No. 12 of 2009.

## IN THE HIGH COURT OF JUDICATURE AT BOMBAY BENCH AT AURANGABAD

Election Petition No. 12 of 2009

Khayyum Khan Mohammad Khan Pathan

Vs.

Amit Vilasrao Deshmukh and others

Respondents.

Petitioner.

Mr. V. P. Golewar, Advocate for the petitioner

Mr. V. D. Hon, Advocate/for respeondent no. 1

Mr. Alok Sharma, Advocate for respondent nos. 2 and 3.

CORAM: A. V. NIRGUDE, J. Dated: 30th June 2015

#### PER COURT:

- 1. The pursis filed on record by the learned counsel for the petitioner Mr. V. P. Golewar is marked at 'Exhibit-18'.
- 2. This Election Petition was assigned to me in June, 2011, but had never came before me till today mainly because the petitioner made no application to take the case for hearing etc. So, on no occasion earlier I had an opportunity to deal with this petition. Today the petition is taken up for recording statement of the petitioner that he would not press the petition because by efflux of time, it is rendered infructuous. The petition stands disposed of as infructuous.

In view of above, EPAP Nos. 13 of 2010, 12 of 2010 and 26 of 2010 stand disposed of.

Sd/-For Deputy Registrar.

Exhibit 18

# IN THE HON'BLE HIGH COURT AT BOMBAY AT AURANGABAD

ELECTION PETITION No. 12/2009

DIST.: LATUR

Dr. Khayyum Khan

Petitioner.

. .

Vs.

Shri Amit Vilasrao Deshmukh and others

Respondents.

#### **PURSHIS**

Hon'ble Sir,

Due to efflux of time the above matter rendered infructuous hence above matter may kindly be disposed of as infructuous.

Hence this purshis:

Submitted by

Golewar .. Petitioners.

V. P. Golewar

Advocate for petitioner . . Dr. Khayyum Khan

Dated 30th June 2015

At. Aurangabad.

By order,

A. N. DAS, Secretary, Election Commission of India.

निर्वाचन सदन, अशोक रोड,  $\frac{22 \text{ मार्च } 20016}{2 \text{ चैत्र, } 1938 \text{ (शक्)}}$ 

### अधिसूचना

सं.-82/महा-वि.स./12/2009(औरंगाबाद).—लोक प्रतिनिधित्व अधिनियम, 1951, (1951 का 43) की धारा 106 के अनुसरण में, भारत निर्वाचन आयोग, 2009 की निर्वाचन याचिका सं. 12 में मुम्बई उच्च न्यायालय, औरंगाबाद बेंच, के दिनांक 30 जून 2015 के निर्णय/आदेश को एतद्द्वारा प्रकाशित करता है।

#### IN THE HIGH COURT OF JUDICATURE AT BOMBAY

#### BENCH AT AURANGABAD

Election Petition No. 12 of 2009

Khayyum Khan Mohammad Khan Pathan . . Petitioner.

Vs.

Amit Vilasrao Deshmukh and others

. Respondents.

Mr. V. P. Golewar, Advocate for the petitioner

Mr. V. D. Hon, Advocate/for respeondent no. 1

Mr. Alok Sharma, Advocate for respondent nos. 2 and 3.

CORAM: A. V. NIRGUDE, J. DATED: 30th June 2015

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- 1. The pursis filed on record by the learned counsel for the petitioner Mr. V. P. Golewar is marked at 'Exhibit-18'.
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DIST.: LATUR

Dr. Khayyum Khan

. Petitioners.

Vs.

Shri Amit Vilasrao Deshmukh and others

Respondents.

#### **PURSHIS**

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Hence this purshis:

Submitted by

Golewar V. P. . . Petitioners.

V. P. Golewar

Advocate for petitioner . . Dr. Khayyum Khan

Dated 30th June 20015

At. Aurangabad.

आदेश से,

ए. एन. दास,

सचिव,

भारत निर्वाचन आयोग।

Nirvachan Sadan, Ashoka Road,

New Delhi 110 001, dated the

22nd March 2016 2 Chaitra, 1938 (Saka)

#### **NOTIFICATION**

No. 82/MT-LA/4/2015.—In pursuance of Section 106 of the Representation of the People Act, 1951 (43 of 1951) the Election Commission of India hereby publishes the judgment/order dated 13th March 2015 of the High Court of Judicature at Bombay, in Election Petition (L) No. 1157 of 2014 with Application in Election Petition (L) No. 13 of 2014 in Election Petition (L) No. 1157 of 2014.

# IN THE HIGH COURT OF JUDICATURE AT BOMBAY ORDINARY ORIGINAL, CIVIL JURISDICTION

Election Petition (L) No. 1157 OF 2014

WITH

Application In Election Petition (L) No. 13 of 2014

In

ELECTION PETITION (L) No. 1157 OF 2014

Mohd. Mobin Islam

Vs.

Khan Md. Arif Lalan and Anr.

Respondents.

Petitioner/Applicant.

Mr. Harshad Bhadbhade with Mr. Rakesh Singh i/b.K.R. Tiwari and Co., Advocate for the Petitioner.

CORAM: ABHAY M. THIPSAY, J. Dated 13th March 2015.

P. C.

- 1. Heard the learned counsel for the petitioner.
- 2. It is evident that deposit of amount as security for costs, in accordance with the provisions of Section 117 of the Representation of the People Act, has not been made.
- 3. That, the petition does not comply with the provisions of Section 117 of the said Act is not disputed before me.
- 4. The learned counsel for the petitioner also does not dispute that such a petition is liable to be dismissed in view of Section 86 of the Said Act.
- 5. The petitioner has, by making an application, prayed for 'condoning the delay in deposing the security cost' and seeking permission to deposit the same. It is also well settled that the non-compliance with the provisions of Section 117 cannot be subsequently permitted to be rectified and that once such non-compliance is noticed, there would be no option but to dismiss such an Election Petition. In fact, that, the Court has power to now have the defect rectified, has not been even argued.
  - 6. The petition-along with Application No. 13 of 2014-is dismissed.

ABHAY M. THIPSAY J.

By order,

A. N. DAS,

Secretary,

Election Commission of India.

निर्वाचन सदन, अशोक रोड, नई दिल्ली 110~001, तारीख  $\dfrac{22~\text{मार्च}~20016}{2~\text{चैत्र},~1938}$  (शक्)

#### अधिसूचना

सं.-82/महा-िव.स./4/2015.—लोक प्रतिनिधित्व अधिनियम, 1951 (1951 का 43) की धारा 106 के अनुसरण में, भारत निर्वाचन आयोग, 2014 की निर्वाचन याचिका (एल) सं. 1157 में 2014 की निर्वाचन याचिका (एल) सं. 13 में अवेदन के साथ 2014 की निर्वाचन याचिका (एल) सं. 1157 में मुम्बई उच्च न्यायालय के दिनांक 13 मार्च 2015 के निर्णय/आदेश को एतदुद्वारा प्रकाशित करता है।

# IN THE HIGH COURT OF JUDICATURE AT BOMBAY ORDINARY ORIGINAL, CIVIL JURISDICTION

ELECTION PETITION (L) No. 1157 OF 2014
WITH
APPLICATION IN ELECTION PETITION (L) No. 13 of 2014
IN
ELECTION PETITION (L) No. 1157 OF 2014

Mohd. Mobin Islam

Petitioner/Applicant.

Vs.

Khan Md. Arif Lalan and Anr.

. Respondents.

Mr. Harshad Bhadbhade with Mr. Rakesh Singh i/b.K.R. Tiwari and Co., Advocate for the Petitioner.

CORAM: ABHAY M. THIPSAY, J. Dated 13th March 2015.

P. C.

- 1. Heard the learned counsel for the petitioner.
- 2. It is evident that deposit of amount as security for costs, in accordance with the provisions of Section 117 of the Representation of the People Act, has not been made.
- 3. That, the petition does not comply with the provisions of Section 117 of the said Act is not disputed before me.
- 4. The learned counsel for the petitioner also does not dispute that such a petition is liable to be dismissed in view of Section 86 of the Said Act.
- 5. The petitioner has, by making an application, prayed for 'condoning the delay in deposing the security cost' and seeking permission to deposit the same. It is also well settled that the non-compliance with the provisions of Section 117 cannot be subsequently permitted to be rectified and that once such non-compliance is noticed, there would be no option but to dismiss such an Election Petition. In fact, that, the Court has power to now have the defect rectified, has not been even argued.
  - 6. The petition-along with Application No. 13 of 2014-is dismissed.

ABHAY M. THIPSAY J.

आदेश से,

ए. एन. दास,

सचिव,

भारत निर्वाचन आयोग।

Nirvachan Sadan, Ashoka Road,

New Delhi 110 001, dated the

22nd March 2016 2 Chaitra, 1938 (Saka)

#### **NOTIFICATION**

No. 82/MT-LA/21/2014.—In pursuance of Section 106 of the Representation of the People Act, 1951, (43 of 1951) the Election Commission of India hereby publishes the judgment/order dated 11th September 2015 of the High Court of Judicature at Bombay, in Election Petition No. 21 of 2014.

# IN THE HIGH COURT OF JUDICATURE AT BOMBAY ORDINARY ORIGINAL CIVIL JURISDICTION

Election Petition No. 21 of 2014

Gavit Rajendra Dhedya

Age: 47 years, Occupation: Business Residing at: A-l, Giriraj Co-op. Hsg. Society, Kacheri Road, Palghar, Taluka Palghar, District Palghar

Petitioner;

Versus

Ghoda Krushna Arjun

Age: 63, Indian Inhabitant,

Residing at Ranshet, Taluka Dahanu,

District Palghar. .. Respondent.

Mr. Yogesh Naidu i/b. Rupesh K. Bobade for the Petitioner.

CORAM: N. M. JAMDAR, J.

Dated 11th September 2015.

#### ORAL JUDGMENT:

The Petitioner has filed the Election Petition under Section 80 of the Representation of the People Act, 1951. The Petitioner questions the election of Respondent to the Palghar (Scheduled Tribe) Assembly Constituency for the Maharashtra Legislative Assembly General Elections 2014. The Respondent is the returned Candidate from 130-Palghar (ST) South Assembly Constituency at the Maharashtra Legislative Assembly General Elections held in the month of October 2014.

- 2. The Election Commission of India *vide* Notification dated 20th September 2014 published the election programme for general elections to the Maharashtra Legislative Assembly 2014. As per the Notification, last date for filing nominations was 27th September 2014, the date of scrutiny of nominations was 29th September 2014, the last date of withdrawal of candidature was 1st October 2014 and the date before which the election was to be completed was 22nd October 2014.
- 3. The Respondent submitted nomination form bearing No. 7 on 26th September 2014 as a candidate from "Shivsena Party". The poll for the constituency was held on 15th October 2014. The result of the election was declared on 19th September 2014. The Respondent was declared as having polled the highest number of votes and was elected from the constituency in question.

- 4. The present Election Petition is filed by the Petitioner on 3rd December 2014. In the Election Petition the Petitioner has sought a declaration that the nomination paper of the Respondent was improperly accepted by the Returning Officer, and to hold and declare that the election of Respondent as a Member of the Maharashtra Legislative Assembly from 130-Palghar (ST) Assembly, as void. The declaration is sought on the ground that, while filing an affidavit in the form prescribed under Rule 4(a) of the Rules of 1961 and under order dated 27th March 2003 issued by the Election Commission of India, the Respondent did not disclose information regarding the immovable property owned by the Respondent at Village Charoti, Taluka Dahanu, District Palghar. The Petitioner has sought to place the documentary evidence regarding the ownership of the Respondent to this particular land. According to the Petitioner, since this information was not disclosed, the nomination form of the respondent was liable to be rejected, in view of Section 36 (2)(a) and, Section 33 of the Representation of the People Act, 1951.
- 5. When the Petition appeared on board on 21st August 2015, it was brought to the notice of the Court that the Respondent had expired on 24th May 2015 and ther death certificate issued by the Gram Panchayat was placed on record. Notice was issued on 11th June 2015 under Section 116 of Representation of the People Act,1950. The Application (Lodg.) No. 25 of 2015 is filed on behalf of the son of the respondent for intervention and to permit him to contest the Petition, which is separately dealt with.
- 6. In view of the death of the Respondent on 24th May 2015, the question that arises is whether the Petition can be continued any further.
- 7. In the Petition the Petitioner has challenged the election of the Respondent on the ground that it is null and void under Clause (9) of Section 1 of Section 100 and also under sub-clause (i) and (iv) and 1(d) of Section 100 of the Representation of the People Act, 1951. The challenge is on the ground that the nomination form of the Respondent was improperly accepted. In paragraph 28 the Petitioner has categorically asserted that the Petitioner has not alleged any corrupt practice against the Respondent or anyone else and therefore, has sought dispensation for filing an affidavit as provided under Section 83 of the Act of 1951. The challenge therefore is restricted to improper acceptance of the nomination paper.
- 8. Most importantly the Petitioner has not sought a prayer that the Petitioner be declared as elected. The only prayer that is sought is a declaration against the election of the Respondent. Mr. Naidu, the learned Counsel for the Petitioner submitted that the prayer "such further and other orders as the nature and circumstances be passed" be treated as prayer to that effect. This submission cannot be accepted, keeping in mind the rigorous standards of pleadings required in an Election Petition.
- In the decision of Loknath Padhan v/s. Birendra Kumar Sahu [(1974)1 SCC 526] the Apex Court had an occasion to consider a similar situation. In that case the challenge was levied by the Appellants therein on the ground that the nomination of the respondent was improperly accepted as the Respondent was disqualified under section 9A of the Representation of the People Act, 1951. The objection raised by the Appellant therein was overruled by the Returning Officer and the nomination of the Respondent was accepted. Thereafter, polling took place and the Respondent was declared elected. An Election Petition came to be filed in the High Court of Orissa challenging the election of the Respondent. The Petition was rejected by the High Court. An Appeal came to be filed under Section 116 of the Representation of the People Act, 1951 in the Apex Court. While the Appeal was pending, the Orissa Legislative Assembly was dissolved and at the hearing of the Appeal the Respondent took a preliminary objection that it has become academic to decide whether or not the respondent was disqualified. The Apex Court accepted this contention and held that even if it is found that the Respondent is disqualified, it would have no practical consequence in view of the invalidation of the election after dissolution of the Assembly. The Apex Court emphasized that a Court will not engage in a futile exercise, keeping in mind that if would be a needless waste of public time. The Apex Court however made a distinction in the case where the allegations of corrupt practice are made. It held that if the allegations are of corrupt practice, since purity of election is of importance and a disqualification is laid down in the Act, the Election Petition would continue.

- 10. Corrupt Practices have been defined in Section 123 of the Representation of the People Act, 1951. It is an admitted position that no allegations of corrupt practices are made against the Respondent and the Petition is filed invoking provisions of Section 100 of the Representation of the People Act, 1951.
- 11. Mr. Naidu sought to contend that though it is the correct case of corrupt practice not alleged, but the Petition is filed, under Section 100 of the Representation of People Act, 1951 and if the declaration of the voidness of the election is given, the further consequence that might ensure would not take place. He orally submitted that consequence will be that the family members of the respondent would receives certain financial benefits through schemes of the Government. However, there are no particulars as to the eligibility of the family members and the other details. Mere oral submissions across the bar cannot therefore be accepted. The argument seems to be just a desperate attempt to somehow keep the proceedings pending.
- 12. In the case of *Loknath Padhan* (Supra) also the allegation was of improper acceptance of nomination paper, yet the Apex Court observed that because the election itself had been set aside by dissolution of the assembly, there will be no practical consequences. The Apex Court has thus clarified, in an identical circumstances, i.e. dissolution of the assembly, in the present case death of the candidate, the decision at such a stage would not result in any practical consequences and the adjudication would be a fruitless exercise.
- 13. In nutshell, the Respondent, the elected, candidate, has expired. The allegation is of improper acceptance of nomination paper. There is no allegation of corrupt practices. The Petitioner has not sought any prayer to declare himself to be elected. In the circumstances, nothing further survives for adjudication. Nothing is shown by the petitioner as to how the petition survives.
  - 14. The Election Petition cannot be entertained any further. It is disposed off as infructuous.

N. M. JAMDAR, J.

By order,

A. N. DAS, Secretary, Election Commission of India.

निर्वाचन सदन, अशोक रोड,

नई दिल्ली 110~001, तारीख  $\frac{22~\text{मार्च}~20016}{2~\text{चैत्र},~1938~(शक्)}$ 

#### अधिसूचना

सं.-82/महा-वि.स./21/2014.—लोक प्रतिनिधित्व अधिनियम, 1951, (1951 का 43) की धारा 106 के अनुसरण में, भारत निर्वाचन आयोग, 2014 की निर्वाचन याचिका सं. 21 में मुम्बई उच्च न्यायालय के दिनांक 11 सितम्बर 2015 के निर्णय/आदेश को एतद्द्वारा प्रकाशित करता है।

# IN THE HIGH COURT OF JUDICATURE AT BOMBAY ORDINARY ORIGINAL CIVIL JURISDICTION

Election Petition No. 21 of 2014

Gavit Rajendra Dhedya

Age: 47 years, Occupation: Business Residing at: A-l, Giriraj Co-op. Hsg. Society, Kacheri Road, Palghar, Taluka Palghar, District Palghar

... Petitioner;

Versus

Ghoda Krushna Arjun

Age: 63, Indian Inhabitant,

Residing at Ranshet, Taluka Dahanu,

District Palghar. .. Respondent.

Mr. Yogesh Naidu i/b. Rupesh K. Bobade for the Petitioner.

CORAM: N. M. JAMDAR, J. DATED: 11th September, 2015.

ORAL JUDGMENT:

The Petitioner has filed the Election Petition under Section 80 of the Representation of the People Act, 1951. The Petitioner questions the election of Respondent to the Palghar (Scheduled Tribe) Assembly Constituency for the Maharashtra Legislative Assembly General Elections 2014. The Respondent is the returned Candidate from 130-Palghar (ST) South Assembly Constituency at the Maharashtra Legislative Assembly General Elections held in the month of October 2014.

- 2. The Election Commission of India *vide* Notification dated 20th September 2014 published the election programme for general elections to the Maharashtra Legislative Assembly 2014. As per the Notification, last date for filing nominations was 27th September 2014, the date of scrutiny of nominations was 29th September 2014, the last date of withdrawal of candidature was 1st October 2014 and the date before which the election was to be completed was 22nd October 2014.
- 3. The Respondent submitted nomination form bearing No. 7 on 26th September 2014 as a candidate from "Shivsena Party". The poll for the constituency was held on 15th October 2014. The result of the election was declared on 19th September 2014. The Respondent was declared as having polled the highest number of votes and was elected from the constituency in question.

- 4. The present Election Petition is filed by the Petitioner on 3rd December 2014. In the Election Petition the Petitioner has sought a declaration that the nomination paper of the Respondent was improperly accepted by the Returning Officer, and to hold and declare that the election of Respondent as a Member of the Maharashtra Legislative Assembly from 130-Palghar (ST) Assembly, as void. The declaration is sought on the ground that, while filing an affidavit in the form prescribed under Rule 4(a) of the Rules of 1961 and under order dated 27th March 2003 issued by the Election Commission of India, the Respondent did not disclose information regarding the immovable property owned by the Respondent at Village Charoti, Taluka Dahanu, District Palghar. The Petitioner has sought to place the documentary evidence regarding the ownership of the Respondent to this particular land. According to the Petitioner, since this information was not disclosed, the nomination form of the respondent was liable to be rejected, in view of Section 36 (2)(a) and, Section 33 of the Representation of the People Act, 1951.
- 5. When the Petition appeared on board on 21st August 2015, it was brought to the notice of the Court that the Respondent had expired on 24th May 2015 and ther death certificate issued by the Gram Panchayat was placed on record. Notice was issued on 11th June 2015 under Section 116 of Representation of the People Act,1950. The Application (Lodg.) No. 25 of 2015 is filed on behalf of the son of the respondent for intervention and to permit him to contest the Petition, which is separately dealt with.
- 6. In view of the death of the Respondent on 24th May 2015, the question that arises is whether the Petition can be continued any further.
- 7. In the Petition the Petitioner has challenged the election of the Respondent on the ground that it is null and void under Clause (9) of Section 1 of Section 100 and also under sub-clause (i) and (iv) and 1(d) of Section 100 of the Representation of the People Act, 1951. The challenge is on the ground that the nomination form of the Respondent was improperly accepted. In paragraph 28 the Petitioner has categorically asserted that the Petitioner has not alleged any corrupt practice against the Respondent or anyone else and therefore, has sought dispensation for filing an affidavit as provided under Section 83 of the Act of 1951. The challenge therefore is restricted to improper acceptance of the nomination paper.
- 8. Most importantly the Petitioner has not sought a prayer that the Petitioner be declared as elected. The only prayer that is sought is a declaration against the election of the Respondent. Mr. Naidu, the learned Counsel for the Petitioner submitted that the prayer "such further and other orders as the nature and circumstances be passed" be treated as prayer to that effect. This submission cannot be accepted, keeping in mind the rigorous standards of pleadings required in an Election Petition.
- In the decision of Loknath Padhan v/s. Birendra Kumar Sahu [(1974)1 SCC 526] the Apex Court had an occasion to consider a similar situation. In that case the challenge was levied by the Appellants therein on the ground that the nomination of the respondent was improperly accepted as the Respondent was disqualified under section 9A of the Representation of the People Act, 1951. The objection raised by the Appellant therein was overruled by the Returning Officer and the nomination of the Respondent was accepted. Thereafter, polling took place and the Respondent was declared elected. An Election Petition came to be filed in the High Court of Orissa challenging the election of the Respondent. The Petition was rejected by the High Court. An Appeal came to be filed under Section 116 of the Representation of the People Act, 1951 in the Apex Court. While the Appeal was pending, the Orissa Legislative Assembly was dissolved and at the hearing of the Appeal the Respondent took a preliminary objection that it has become academic to decide whether or not the respondent was disqualified. The Apex Court accepted this contention and held that even if it is found that the Respondent is disqualified, it would have no practical consequence in view of the invalidation of the election after dissolution of the Assembly. The Apex Court emphasized that a Court will not engage in a futile exercise, keeping in mind that if would be a needless waste of public time. The Apex Court however made a distinction in the case where the allegations of corrupt practice are made. It held that if the allegations are of corrupt practice, since purity of election is of importance and a disqualification is laid down in the Act, the Election Petition would continue.

- 10. Corrupt Practices have been defined in Section 123 of the Representation of the People Act, 1951. It is an admitted position that no allegations of corrupt practices are made against the Respondent and the Petition is filed invoking provisions of Section 100 of the Representation of the People Act, 1951.
- 11. Mr. Naidu sought to contend that though it is the correct case of corrupt practice not alleged, but the Petition is filed, under Section 100 of the Representation of People Act, 1951 and if the declaration of the voidness of the election is given, the further consequence that might ensure would not take place. He orally submitted that consequence will be that the family members of the respondent would receives certain financial benefits through schemes of the Government. However, there are no particulars as to the eligibility of the family members and the other details. Mere oral submissions across the bar cannot therefore be accepted. The argument seems to be just a desperate attempt to somehow keep the proceedings pending.
- 12. In the case of *Loknath Padhan* (Supra) also the allegation was of improper acceptance of nomination paper, yet the Apex Court observed that because the election itself had been set aside by dissolution of the assembly, there will be no practical consequences. The Apex Court has thus clarified, in an identical circumstances, i.e. dissolution of the assembly, in the present case death of the candidate, the decision at such a stage would not result in any practical consequences and the adjudication would be a fruitless exercise.
- 13. In nutshell, the Respondent, the elected, candidate, has expired. The allegation is of improper acceptance of nomination paper. There is no allegation of corrupt practices. The Petitioner has not sought any prayer to declare himself to be elected. In the circumstances, nothing further survives for adjudication. Nothing is shown by the petitioner as to how the petition survives.
  - 14. The Election Petition cannot be entertained any further. It is disposed off as infructuous.

N. M. JAMDAR, J.

आदेश से.

**ए. एन. दास,** सचिव, भारत निर्वाचन आयोग।

Nirvachan Sadan, Ashoka Road,

New Delhi 110 001, dated the

22nd March 2016 2 Chaitra, 1938 (Saka)

#### NOTIFICATION

No. 82/MT-LA/5/2009 (Nagpur).—In pursuance of Section 106 of the Representation of the People Act, 1951, (43 of 1951) the Election Commission of India hereby publishes the judgment/order dated 3rd August 2015 of the High Court of Judicature at Bombay, Nagpur Bench, Nagpur in Election Petition No. 5 of 2009.

## IN THE HIGH COURT OF JUDICATURE AT BOMBAY NAGPUR BENCH AT NAGPUR

ELECTION PETITION No. 5/2009

Chinnaji S/o. Bhimayya Nalboga

Versus

Nanaji Sitaram Shamkule

Office Notes, Office Memoranda of Coram, appearances, . . . Court's or Judge's orders Court's orders of directions and Registrar's order.

Dr. R. S. Sundaram, Advocate for petitioner

CORAM: Z. A. HAQ, J.

Date 3rd August 2015

Dr. R. S. Sundaram, learned Advocate for the petitioner submits that as the term of the respondent is over, the prayers made in the election petition are rendered infructuous.

The Election Petition is disposed as infructuous.

Considering the facts of the case, the amount of security deposit, which is deposited by the petitioner with the Registry of this Court be refunded to the petitioner.

CIVIL APPLICATION (O) Nos. 1609/2010, 128/2011, 228/2011, 400/2011, 641/2011, 671/2011 AND 698/2011

In view of the disposal of the election petition as infructuous, the civil applications are also disposed as infructuous. No costs.

By order,

A. N. DAS,
Secretary,
Election Commission of India.

निर्वाचन सदन, अशोक रोड,

नई दिल्ली 110 001, तारीख  $\frac{22 \text{ मार्च } 2016}{2 \text{ चैत्र, } 1938 \text{ (शक्)}}$ 

#### अधिसूचना

सं. 82/महा.-वि.स./5/2009 (नागपुर).— लोक प्रतिनिधित्व अधिनियम, 1951, (1951 का 43) की धारा 106 के अनुसरण में, भारत निर्वाचन आयोग, 2009 की निर्वाचन याचिका सं. 5 में मुम्बई उच्च न्यायालय, नागपुर बेंच, नागपुर के दिनांक 3 ऑगस्ट 2015 के निर्णय/आदेश को एतदृद्वारा प्रकाशित करता है।

# IN THE HIGH COURT OF JUDICATURE AT BOMBAY NAGPUR BENCH AT NAGPUR

ELECTION PETITION No. 5/2009

Chinnaji S/o. Bhimayya Nalboga

Versus

Nanaji Sitaram Shamkule

Office Notes, Office Memoranda of Coram, appearances, . . . Court's or Judge's orders Court's orders of directions and Registrar's order.

Dr. R. S. Sundaram, Advocate for petitioner

CORAM: Z. A. HAQ, J.

Date 3rd March 2015

Dr. R. S. Sundaram, learned Advocate for the petitioner submits that as the term of the respondent is over, the prayers made in the election petition are rendered infructuous.

The Election Petition is disposed as infructuous.

Considering the facts of the case, the amount of security deposit, which is deposited by the petitioner with the Registry of this Court be refunded to the petitioner.

CIVIL APPLICATION (O) Nos. 1609/2010, 128/2011, 228/2011, 400/2011, 641/2011, 671/2011 AND 698/2011

In view of the disposal of the election petition as infructuous, the civil applications are also disposed as infructuous. No costs.

आदेश से,

**ए. एन. दास,** सचिव.

भारत निर्वाचन आयोग।

Nirvachan Sadan, Ashoka Road,

New Delhi 110 001, dated the  $\frac{22\text{nd March 2016}}{2 \text{ Chaitra, 1938 (Saka)}}$ 

#### **NOTIFICATION**

No. 82/MT-LA/1/2015.—In pursuance of Section 106 of the Representation of the People Act, 1951, (43 of 1951) the Election Commission of India hereby publishes the judgment/order dated 13th March 2015 of the High Court of Judicature at Bombay, in Election Petition (L) No. 1153 of 2014 with Application in Election Petition (L) No. 15 of 2014 in Election Petition (L) No. 1153 of 2014.

# IN THE HIGH COURT OF JUDICATURE AT BOMBAY ORDINARY ORIGINAL CIVIL JURISDICTION

Election Petition (L) No. 1153 of 2014

WITH

Application in Election Petition (L) No. 15 of 2014

ΙN

ELECTION PETITION (L) No. 1153 of 2014

Khan Mainuddin Yar Mohammed

Petitioner/Applicant.

Versus

Khan Md. Arif Lalan and Another

. Respondents.

Mr. Harshad Bhadbhade with Mr. Rakesh Singh i/b.K.R. Tiwari and Co., Advocate for the Petitioner.

CORAM: ABHAY M. THIPSAY J. Dated 13th March 2015.

P.C.

- 1. Heard the learned counsel for the petitioner.
- 2. It is evident that deposit of amount as security for costs, in accordance with the provisions of Section 117 of the Representation of the People Act, has not been made.
- 3. That, the petition does not comply with the provisions of Section 117 of the said Act is not disputed before me.
- 4. The learned counsel for the petitioner also does not dispute that such a petition is liable to be dismissed in view of Section 86 of the Said Act.
- 5. The petitioner has, by making an application, prayed for 'condoning the delay in deposing the security cost' and seeking permission to deposit the same. It is also well settled that the non-compliance with the provisions of Section 117 cannot be subsequently permitted to be rectified and that once such non-compliance is noticed, there would be no option but to dismiss such an Election Petition. In fact, that, the Court has power to now have the defect rectified, has not been even argued.
  - 6. The petition-along with Application No. 15 of 2014—is dismissed.

ABHAY M. THIPSAY J.

By order,

A. N. DAS, Secretary, Election Commission of India.

निर्वाचन सदन, अशोक रोड,

नई दिल्ली 110 001, तारीख  $\frac{22 \text{ मार्च } 2016}{2 \text{ चैत्र, } 1938 \text{ (शक्)}}$ 

## अधिसूचना

सं. 82/महा, -वि.स./1/2015.— लोक प्रतिनिधित्व अधिनियम, 1951 (1951 का 43) की धारा 106 के अनुसरण में, भारत निर्वाचन आयोग, 2014 की निर्वाचन याचिका (एल) सं. 1153 में 2014 की निर्वाचन याचिका (एल) सं. 15 में आवेदन के साथ 2014 की निर्वाचन याचिका (एल) सं. 1153 में मुम्बई उच्च न्यायालय के दिनांक 13 मार्च 2015 के निर्णय/आदेश को एतद्द्वारा प्रकाशित करता है।

# IN THE HIGH COURT OF JUDICATURE AT BOMBAY ORDINARY ORIGINAL CIVIL JURISDICTION

Election Petition (L) No. 1153 of 2014

WITH

Application in Election Petition (L) No. 15 of 2014

ΙN

Election Petition (L) No. 1153 of 2014

Khan Mainuddin Yar Mohammed

Petitioner/Applicant.

Versus

Khan Md. Arif Lalan and Another

. Respondents.

Mr. Harshad Bhadbhade with Mr. Rakesh Singh i/b.K.R. Tiwari and Co., Advocate for the Petitioner.

CORAM: ABHAY M. THIPSAY J. Dated 13th March 2015

P.C.

- 1. Heard the learned counsel for the petitioner.
- 2. It is evident that deposit of amount as security for costs, in accordance with the provisions of Section 117 of the Representation of the People Act, has not been made.
- 3. That, the petition does not comply with the provisions of Section 117 of the said Act is not disputed before me.
- 4. The learned counsel for the petitioner also does not dispute that such a petition is liable to be dismissed in view of Section 86 of the Said Act.
- 5. The petitioner has, by making an application, prayed for 'condoning the delay in deposing the security cost' and seeking permission to deposit the same. It is also well settled that the non-compliance with the provisions of Section 117 cannot be subsequently permitted to be rectified and that once such non-compliance is noticed, there would be no option but to dismiss such an Election Petition. In fact, that, the Court has power to now have the defect rectified, has not been even argued.
  - 6. The petition-along with Application No. 15 of 2014—is dismissed.

ABHAY M. THIPSAY J.

आदेश से,

**ए. एन. दास,** सचिव, भारत निर्वाचन आयोग।

Nirvachan Sadan, Ashoka Road,

New Delhi 110 001, dated the  $\frac{22 \text{nd March}, 2016}{2 \text{ Chaitra}, 1938 \text{ (Saka)}}$ 

#### NOTIFICATION

No. 82/MT-LA/3/2015.—In pursuance of Section 106 of the Representation of the People Act, 1951 (43 of 1951) the Election Commission of India hereby publishe the judgment/order dated the 13th March 2015 of the High Court of Judicature at Bombay, in Election Petition (L) No. 1155 of 2014 with Application in Election Petition (L) No. 12 of 2014 in Election Petition (L) No. 1155 of 2014.

#### Order

# IN THE HIGH COURT OF JUDICATURE AT BOMBAY ORDINARY ORIGINAL CIVIL JURISDICTION

Election Petition (L) No. 1155 Of 2014

With

Application In Election Petition (L) No. 12 of 2014

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ELECTION PETITION (L) No. 1155 of 2014

Gulam Mohammed Abdul Aziz Banani ----- Petitioner/Applicant;

Versus

Khan Md. Arif Lalan & Another.

---- Respondents.

Mr. Harshad Bhadbhade with Mr. Rakesh Singh I/B. K.R. Tiwari and Co., Advocate for the Petitioner

CORAM: ABHAY M. THIPSAY J.

Dated the 13th March 2015.

#### P.C.

- 1. Heard the learned counsel for the petitioner.
- 2. It is evident that deposit of amount as security for costs, in accordance with the provisions of Section 117 of the Representation of the People Act, has not been made.
- 3. That, the petition does not comply with the provisions of Section 117 of the said Act is not disputed before me.
- 4. The learned counsel for the petitioner also does not dispute that such a petition is liable to be dismissed in view of Section 86 of the said Act.
- 5. The petitioner has, by making an application, iprayed for condoning the delay in deposing the security cost' and seeking permission to deposit the same. It is also well settled that the non-compliance with the provisions of Section 117 cannot be subsequently permitted to be rectified and that once such non compliance is noticed, there would be no option but to dismiss such an Election Petition. In fact, that, the Court has power to now have the defect rectfied, has not been even argued.
  - 6. The petition-along with Application No.12 of 2014-is dismissed.

ABHAY M. THIPSAY J.,

By order,

A. N. DAS, Secretary,

Election Commission of India.

निर्वाचन सदन, अशोक रोड,

नई दिल्ली 110001

तारीख 22 मार्च, 2016 2 चैत्र, 1938 (शक्)

## अधिसूचना

सं.82/ महा.—वि.स. /3/2015 — लोक प्रतिनिधित्व अधिनियम, 1951 (1951 का 43) की धारा 106 के अनुसरण में, भारत निर्वाचन आयोग, 2014 की निर्वाचन याचिका (एल) सं. 1155 में 2014 की निर्वाचन याचिका (एल) सं. 12 में आवेदन के साथ 2014 की निर्वाचन याचिका (एल) सं. 1155 में मुम्बई उच्च न्यायालय के दिनांक 13 मार्च 2015 के निर्णय/आदेश को एतदुद्वारा प्रकाशित करता है।

# IN THE HIGH COURT OF JUDICATURE AT BOMBAY ORDINARY ORIGINAL CIVIL JURISDICTION

ELECTION PETITION (L) No. 1155 OF 2014

WITH

Application In Election Petition (L) No. 12 of 2014

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ELECTION PETITION (L) No. 1155 of 2014

Gulam Mohammed Abdul Aziz Banani ----- Petitioner/Applicant;

Versus

Khan Md. Arif Lalan & Another.

---- Respondents.

Mr. Harshad Bhadbhade with Mr. Rakesh Singh I/b. K. R. Tiwari and Co., Advocate for the Petitioner.

CORAM: ABHAY M. THIPSAY J.

Dated 13th March 2015.

#### P.C.

- 1. Heard the learned counsel for the petitioner.
- 2. It is evident that deposit of amount as security for costs, in accordance with the provisions of Section 117 of the Representation of the People Act, has not been made.
- 3. That, the petition does not comply with the provisions of Section 117 of the said Act is not disputed before me.
- 4. The learned counsel for the petitioner also does not dispute that such a petition is liable to be dismissed in view of Section 86 of the said Act.
- 5. The petitioner has, by making an application, iprayed for condoning the delay in deposing the security cost' and seeking permission to deposit the same. It is also well settled that the non-compliance with the provisions of Section 117 cannot be subsequently permitted to be rectified and that once such non compliance is noticed, there would be no option but to dismiss such an Election Petition. In fact, that, the Court has power to now have the defect rectfied, has not been even argued.
  - 6. The petition along with Application No.12 of 2014-is dismissed.

ABHAY M. THIPSAY J.

आदेश से,

ए. एन. दास,

्सचिव,

भारत निर्वाचन आयोग ।

Nirvachan Sadan, Ashoka Road,
New Delhi 110 001, dated the  $\frac{21\text{st March, 2016}}{1 \text{ Chaitra, 1938 (Saka)}}$ 

#### **NOTIFICATION**

No. 82/MT-LA/9/2014 (Nagpur).—In pursuance of Section 106 of the Representation of the People Act, 1951, (43 of 1951) the Election Commission of India hereby publishes the judgment/order dated 14th August 2015 of the High Court of Judicature at Bombay, Nagpur Bench, Nagpur in Election Petition No. 9 of 2014.

#### Order

# IN THE HIGH COURT OF JUDICATURE AT BOMBAY NAGPUR BENCH, NAGPUR

ELECTION PETITION (EP) No. 09 OF 2014

(Ranjeet Babulal Chauhan v. The Returning Officer and others)

Office Notes, Office Memoranda of Coram appearances, Court's orders or directions and Registrar's orders.

Court's or Judge's Orders

CORAM: PRASANNA B. VARALE, J.

Dated 14th August 2015.

Shri K. S. Motwani, the learned Counsel submits that he is appearing with Shri J. S. Gajbhiye, the learned Counsel for the petitioner and filing his power.

The power filed by Shri Motwani is taken on record.

Shri Motwani, the learned Counsel for the petitioner submits that on giving a second thought, he finds that there are certain points which need to be raised before some another forum.

On instructions, Shri Motwani, the learned Counsel for the petitioner, prays for withdrawal of the petitioner with liberty to file appropriate proceedings, if so advised.

Permission granted.

Election Petition is accordingly allowed to be withdrawn with liberty as prayed for.

By order,

A. N. DAS,

Secretary,

Election Commission of India.

निर्वाचन सदन, अशोक रोड,

## अधिसूचना

सं. 82/ महा.—वि.स. /9/2014 (नागपूर).— लोक प्रतिनिधित्व अधिनियम, 1951, (1951 का 43) की धारा 106 के अनुसरण में, भारत निर्वाचन आयोग, 2014 की निर्वाचन याचिका सं. 9 में मुम्बई उच्च न्यायालय, नागपूर बेंच, नागपूर के दिनांक 14 ऑगस्ट 2015 के निर्णय/ आदेश को एतदद्वारा प्रकाशित करता है।

# IN THE HIGH COURT OF JUDICATURE AT BOMBAY NAGPUR BENCH, NAGPUR

ELECTION PETITION (EP) No.09 OF 2014

(Ranjeet Babulal Chauhan v. The Returning Officer and others)

Office Notes, Office Memoranda of Coram appearances, Court's orders or directions and Registrar's orders.

Court's or Judge's Orders

CORAM: PRASANNA B. VARALE, J.

Dated 14th August 2015.

Shri K. S. Motwani, the learned Counsel submits that he is appearing with Shri J. S. Gajbhiye, the learned Counsel for the petitioner and filing his power.

The power filed by Shri Motwani is taken on record.

Shri Motwani, the learned Counsel for the petitioner submits that on giving a second thought, he finds that there are certain points which need to be raised before some another forum.

On instructions, Shri Motwani, the learned Counsel for the petitioner, prays for withdrawal of the petitioner with liberty to file appropriate proceedings, if so advised.

Permission granted.

Election Petition is accordingly allowed to be withdrawn with liberty as prayed for.

आदेश से.

ए. एन. दास,

सचिव.

भारत निर्वाचन आयोग।

Nirvachan Sadan, Ashoka Road,

New Delhi 110 001, dated the

22nd March 2016 2 Chaitra, 1938 (Saka)

#### **NOTIFICATION**

No. 82/MT-HP/3/2014.—In pursuance of Section 106 of the Representation of the People Act, 1951, (43 of 1951) the Election Commission of India hereby publishes the judgement/order dated 5th October 2015 of the High Court of Judicature at Bombay, in Election Petition No. 3 of 2014, relating to 26—Mumbai North Parliamentary Constituency.

# IN THE HIGH COURT OF JUDICATURE AT BOMBAY ORDINARY ORIGINAL CIVIL JURISDICTION

Election Petition No. 3 Of 2014

WITH

Application No. 1 Of 2015 In E.p. No. 3 Of 2014

WITH

Application No. 7 Of 2015 In E.P. No. 3 Of 2014

WITH

REVIEW PETITION No. 39 OF 2015 IN E.P. No. 3 OF 2014

WITH

Application No. 8 Of 2015 In E.P. No. 3 Of 2014

WITH

Application No. 9 Of 2015 In E.P. No. 3 Of 2014

WITH

REVIEW PETITION No. 51 OF 2015 IN E.P. No. 3 OF 2014

WITH

Application No. 10 Of 2015 In E.P. No. 3 Of 2014

WITH

Application (St.) No. 671 Of 2015 In E.P. No. 3 Of 2014

WITH

Application No. 19 Of 2015 In E.P. No. 3 Of 2014

Ms. Anindita ... Petitioner

Vs.

Gopal Shetty ... Respondent

#### ALONGWITH

Application (St.) No. 9 Of 2014 In E.P. No. 3 Of 2014

WITH

Application (St.) No. 8 Of 2015 In E.P. No. 3 Of 2014

WITH

Application (St.) No. 9 Of 2015 In E.P. No. 3 Of 2014

WITH

Application No. 11 Of 2015 In E.P. No. 3 Of 2014

Gopal Chinayya Shetty ... Petitioner

Gopal Chinayya Shetty Vs.

... Respondent

Ms. Anindita, Petitioner not present

Ms. Anindita Dev

Mrs. Anjali N. Helekar i/b Mr. A. J. Mishra, Advocate for the respondent.

 $\operatorname{Coram}:\operatorname{MRS}.\operatorname{MRIDULA}\operatorname{BHATKAR},\operatorname{J}.$ 

Date: 5th October 2015

#### P.C.:

Today when the matter was called out, the petitioner was absent. The learned counsel for the respondent is present. As the petitioner remained absent on the previous dates, this petition was kept under the caption "Dismissal".

2. The Petitioner, on number of occasions, has been directed to remain present, however, she is not present today. It appears that she is not interesting in the Petition. However, lot of Court hours are consumed in the proceedings of the Petition, hence, Election Petition is dismissed with cost of Rs. 10,000. All other Applications filed by the petitioner Ms. Anindita are also disposed of. The Applications filed by the respondent Gopal Shetty are consequently disposed of.

(MRIDULA BHATKAR, J.)

By order,

A. N. DAS, Secretary, Election Commission of India.

निर्वाचन सदन, अशोक रोड,

नई दिल्ली 110 001, तारीख 22 मार्च 2016 2 चैत्र, 1938 (शक्)

## अधिसूचना

संख्या : 82/महा.-लो.स./3/2014.— लोक प्रतिनिधित्व अधिनियम, 1951, (1951 का 43) की धारा 106 के अनुसरण में, भारत निर्वाचन आयोग, 26-मुम्बई उत्तर लोक सभा क्षेत्र से संबंधित 2014 की निर्वाचन याचिका सं. ३ में मुम्बइ उच्च न्यायालय के दिनांक 5 अक्तूबर 2015 के निर्णय /आदेश को एतदुद्वारा प्रकाशित करता है।

# IN THE HIGH COURT OF JUDICATURE AT BOMBAY ORDINARY ORIGINAL CIVIL JURISDICTION

ELECTION PETITION No. 3 OF 2014

WITH

Application No. 1 Of 2015 In E.P. No. 3 Of 2014

WITH

Application No. 7 Of 2015 In E.P. No. 3 Of 2014

WITH

Review Petition No. 39 Of 2015 In E.P. No. 3 Of 2014

 $\mathbf{W}_{\text{ITH}}$ 

APPLICATION No. 8 OF 2015 IN E.P. No. 3 OF 2014

 $W_{ITH}$ 

Application No. 9 Of 2015 In E.P. No. 3 Of 2014

WITH

Review Petition No.  $51\ \mathrm{Of}\ 2015\ \mathrm{In}\ \mathrm{E.p.}\ \mathrm{No.}\ 3\ \mathrm{Of}\ 2014$ 

 $W_{ITH}$ 

Application No. 10 Of 2015 In E.p. No. 3 Of 2014

WITH

Application (St.) No. 671 Of 2015 In E.P. No. 3 Of 2014

WITH

APPLICATION No. 19 OF 2015 IN E.P. No. 3 OF 2014

Ms. Anindita ... Petitioner

Vs.

Gopal Shetty ... Respondent

ALONGWITH

Application (St.) No. 9 Of 2014 In E.P. No. 3 Of 2014

WITH

Application (St.) No. 8 Of 2015 In E.P. No. 3 Of 2014

 $W_{ITH}$ 

Application (St.) No. 9 Of 2015 In E.P. No. 3 Of 2014

With

APPLICATION No. 11 OF 2015 IN E.P. No. 3 OF 2014

Vs.

... Petitioner

Ms. Anindita Dey ... Respondent

Ms. Anindita, Petitioner not present

Gopal Chinayya Shetty

Mrs. Anjali N. Helekar i/b Mr. A. J. Mishra, Advocate for the respondent.

CORAM: MRS. MRIDULA BHATKAR, J.

Date: 5th October 2015

#### P.C.:

Today when the matter was called out, the petitioner was absent. The learned counsel for the respondent is present. As the petitioner remained absent on the previous dates, this petition was kept under the caption "Dismissal".

2. The Petitioner, on number of occasions, has been directed to remain present, however, she is not present today. It appears that she is not interesting in the Petition. However, lot of Court hours are consumed in the proceedings of the Petition, hence, Election Petition is dismissed with cost of Rs. 10,000. All other Applications filed by the petitioner Ms. Anindita are also disposed of. The Applications filed by the respondent Gopal Shetty are consequently disposed of.

(MRIDULA BHATKAR, J.)

आदेश से,

**ए. एन. दास,** सचिव, भारत निर्वाचन आयोग।

Nirvachan Sadan, Ashoka Road,

New Delhi 110 001, dated the  $\frac{23\text{rd March, 2016}}{3 \text{ Chaitra, 1938 (Saka)}}$ 

#### **NOTIFICATION**

No. 82/MT-LA/10/2014.—In pursuance of sub-section 2(b) of Section 116 (C) of the Representation of the People Act, 1951, (43 of 1951) the Election Commission of India hereby publishes the judgement/order dated 22nd January 2016 of the Supreme Court of India in Civil Appeal No. 220 of 2016 in Election Petition No. 10 of 2014.

# IN THE SUPREME COURT OF INDIA CIVIL APPELLATE JURISDICTION

CIVIL APPEAL No. 220 OF 2016

SURESH KRISHNARAO PATIL

Appellant (s)

Versus

ABU ASIM AZMI

Respondent (s)

#### Order

We find no reason to entertain this appeal, which is, accordingly, dismissed.

(Sd/-) J.

(KURIAN JOSEPH)

(Sd/-)J.

(ROHINTON FALI NARIMAN)

New Delhi, January 22, 2016.

By order,

A. N. DAS,

Secretary,

Election Commission of India.

निर्वाचन सदन, अशोक रोड,

नई दिल्ली 110 001, तारीख  $\frac{23 \text{ मार्च, } 2016}{3 \text{ चैत्र, } 1938 \text{ (शक)}}$ 

## अधिसूचना

सं. : 82/महा. वि.स./10/2014.—लोक प्रतिनिधित्व अधिनियम, 1951, (1951 का 43) की धारा 116 (ग) की उपधारा २ (ख) के अनुसरण में, भारत निर्वाचन आयोग, 2014 की निर्वाचन याचिका संख्या 10 में 2016 की सिविल अपील सं. 220 में भारत के उच्चतम न्यायालय के दिनांक 22 जानेवारी 2016 का निर्णय एतदृद्वारा प्रकाशित करता है।

# IN THE SUPREME COURT OF INDIA CIVIL APPELLATE JURISDICTION

CIVIL APPEAL No. 220 OF 2016

SURESH KRISHNARAO PATIL

Appellant (s)

Versus

ABU ASIM AZMI

Respondent (s)

#### **Order**

We find no reason to entertain this appeal, which is, accordingly, dismissed.

(Sd/-) J.

(KURIAN JOSEPH)

(Sd/-) J.

(ROHINTON FALI NARIMAN)

New Delhi, January 22, 2016.

आदेश से,

ए. एन. दास,

सचिव.

भारत निर्वाचन आयोग।

Nirvachan Sadan, Ashoka Road,

New Delhi 110 001, dated the  $\frac{22 \text{nd March, 2016}}{2 \text{ Chaitra, 1938 (Saka)}}$ 

#### **NOTIFICATION**

No. 82/MT-LA/2/2015.—In pursuance of Section 106 of the Representation of the People Act, 1951, (43 of 1951) the Election Commission of India hereby publishes the judgement/order dated 13th March 2015 of the High Court of Judicature at Bombay, in Election Petition (L) No. 1154 of 2014 with Application in Election Petition (L) No. 14 of 2014 in Election Petition (L) No. 1154 of 2014.

# IN THE HIGH COURT OF JUDICATURE AT BOMBAY ORDINARY ORIGINAL CIVIL JURISDICTION

ELECTION PEITITION (L) No. 1154 OF 2014

WITH

Application In Election Petition (L) No. 14 Of 2014

ΙN

ELECTION PETITION (L) No. 1154 OF 2014

Mohd. Akram s/o. Fazlurehman Qureshi

... Petitioner/Applicant.

Vs.

Khan Md. Arif Lalan and Dattaprasad Nade (Returning Officer) ... Respondents.

Mr. Harshad Bhadbhade with Mr. Rakesh Singh i/b. K.R. Tiwari and Co., Advocate for the Petitioner.

Coram : ABHAY M. THIPSAY, J.

Dated 13th March 2015.

#### P.C.:

- 1. Heard the learned counsel for the petitioner.
- 2. It is evident that deposit of amount as security for costs, in accordance with the provisions of Section 117 of the Representation of the People Act, has not been made.
- 3. That, the petition does not comply with the provisions of Section 117 of the said Act is not disputed before me.
- 4. The learned counsel for the petitioner also does not dispute that such a petition is liable to be dismissed in view of Section 86 of the said Act.
- 5. The petitioner has, by making an application, prayed for 'condoning the delay in deposing the security cost' and seeking permission to deposit the same. It is also well settled that the non-compliance with the provisions of Section 117 cannot be subsequently permitted to be rectified

and that once such non-compliance is noticed, there would be no option but to dismiss such an Election Petition. In fact, that, the Court has power to now have the defect rectified, has not been even argued.

6. The petition-along with Application No. 14 of 2014 is dismissed.

ABHAY M. THIPSAY J.

By order,

A. N. DAS, Secretary, Election Commission of India.

निर्वाचन सदन, अशोक रोड,

नई दिल्ली 110 001, तारीख 22 मार्च, 2016 2 चैत्र, 1938 (शक्)

#### अधिसूचना

सं. : 82/महा.-वि.स./2/2015.—लोक प्रतिनिधित्व अधिनियम, 1951, (1951 का 43) की धारा 106 के अनुसरण में, भारत निर्वाचन आयोग, 2014 की निर्वाचन याचिका (एल) सं. 1154 में 2014 की निर्वाचन याचिका (एल) सं. 14 में आवेदन के साथ 2014 की निर्वाचन याचिका (एल) सं. 1154 में मुंबई उच्च न्यायालय के दिनांक 13 मार्च 2015 के निर्णय/आदेश को एतदुद्वारा प्रकाशित करता है।

# IN THE HIGH COURT OF JUDICATURE AT BOMBAY ORDINARY ORIGINAL CIVIL JURISDICTION

ELECTION PEITITION (L) No. 1154 OF 2014

With

APPLICATION IN ELECTION PETITION (L) No. 14 OF 2014

ĪΝ

ELECTION PETITION (L) No. 1154 OF 2014

Mohd. Akram s/o. Fazlurehman Qureshi

... Petitioner/Applicant.

Vs.

Khan Md. Arif Lalan and Dattaprasad Nade (Returning Officer) ... Respondents.

Mr. Harshad Bhadbhade with Mr. Rakesh Singh i/b. K.R. Tiwari and Co., Advocate for the Petitioner.

CORAM: ABHAY M. THIPSAY J.

Dated 13th March 2015.

#### P.C.:

- 1. Heard the learned counsel for the petitioner.
- 2. It is evident that deposit of amount as security for costs, in accordance with the provisions of Section 117 of the Representation of the People Act, has not been made.
- 3. That, the petition does not comply with the provisions of Section 117 of the said Act is not disputed before me.
- 4. The learned counsel for the petitioner also does not dispute that such a petition is liable to be dismissed in view of Section 86 of the said Act.
- 5. The petitioner has, by making an application, prayed for 'condoning the delay in deposing the security cost' and seeking permission to deposit the same. It is also well settled that the non-compliance with the provisions of Section 117 cannot be subsequently permitted to be rectified and that once such non-compliance is noticed, there would be no option but to dismiss such an Election Petition. In fact, that, the Court has power to now have the defect rectified, has not been even argued.

6. The petition-along with Application No. 14 of 2014 is dismissed.

ABHAY M. THIPSAY J.

आदेश से,

**ए. एन. दास,** सचिव, भारत निर्वाचन आयोग।

Nirvachan Sadan, Ashoka Road,

New Delhi 110 001, dated the

23rd March 2016 3 Chaitra, 1938 (Saka)

#### *NOTIFICATION*

No. 82/MT-LA/30/2009.—In pursuance of Section 2(b) of the Representation of the Section 116 (C) of the Representation of the People Act, 1951, (43 of 1951) the Election Commission of India hereby publishes the judgement/order dated 11th February 2016 of the Supreme Court of India in Civil Appeal No. 2578 of 2011 in Election Petition No. 30 of 2009.

## IN THE SUPREME COURT OF INDIA CIVIL APPELLATE JURISDICTION

CIVIL APPEAL Nos. 2578 OF 2011

Dadaji Dagadu Bhuse

Appellant (S).

Vs.

Arjunadada Dashrath Bhuse

.. Respondent (S)

Order

Heard the learned counsel.

It is clear that the appeal has become infructuous. The civil appeal is dismissed as having become infructuous.

Pending applications stand disposed of.

(Sd/-) J. ANIL R. DAVE,

New Delhi, 11th February 2016. (Sd/-) J. ADARSH KUMAR GOEL,

By order

A. N. DAS, Secretary, Election Commission of India.

निर्वाचन सदन, अशोक रोड, नई दिल्ली 110 001, तारीख  $\frac{23 \text{ मार्च } 2016}{3 \text{ चैत्र, } 1938 \text{ (शक)}}$ 

## अधिसूचना

सं.-82/महा-वि.स./30/2009.—लोक प्रतिनिधित्व अधिनियम, 1951, (1951 का 43) की धारा 116(ग) की उपधारा 2 (ख) के अनुसरण में, भारत निर्वाचन आयोग, 2009 की निर्वाचन याचिका संख्या 30 में 2011 की सिविल अपील संख्या 2578 में भारत के उच्चतम न्यायालय के दिनांक 11 फरवरी 2016 का निर्णय एतद द्वारा प्रकाशित करता है।

# IN THE SUPREME COURT OF INDIA CIVIL APPELLATE JURISDICTION

CIVIL APPEAL Nos. 2578 OF 2011

Dadaji Dagadu Bhuse

.. Appellant (S).

Vs.

Arjunadada Dashrath Bhuse

. Respondent (S)

#### Order

Heard the learned counsel.

It is clear that the appeal has become infructuous. The civil appeal is dismissed as having become infructuous.

Pending applications stand disposed of.

(Sd/-) J. ANIL R. DAVE,

New Delhi, 11th February 2016.

(Sd/-) J. ADARSH KUMAR GOEL,

आदेश से,

**ए. एन. दास,** सचिव, भारत निर्वाचन आयोग।

Nirvachan Sadan, Ashoka Road,

New Delhi 110 001, dated the

22nd March 2016 2 Chaitra, 1938 (Saka)

#### **NOTIFICATION**

No. 82/MT-LA/19/2014.—In pursuance of Section 106 of the Representation of the People Act, 1951, (43 of 1951) the Election Commission of India hereby publishes the judgment/order dated 23rd November 2015 of the High Court of Judicature at Bombay, in Election Petition No. 19 of 2014.

# IN THE HIGH COURT OF JUDICATURE AT BOMBAY ORDINARY ORIGINAL CIVIL JURISDICTION

Election Petition No. 19 Of 2014

Pramod S. Jathar

Petitioner.

V/s.

Nitesh N. Rane and Ors.

Respondents.

Mr. Ajit N. Jakhadi, on record advocate for the Petitioner.

Petitioner in person absent.

Mr. Karan Bhosale i/b Ms. Neha Bhosale for the Respondent No. 1.

CORAM: R. D. DHANUKA, J.

Date: 23rd November 2015.

#### P .C.:—

- 1. Mr. Jakhadi, learned advocate representing the petitioner states that he has already returned the papers along with his no objection in favour of his client to engage another advocate. Office of this Court has also issued separate notice to the petitioner to remain present pursuant to the order passed by this Court. The notice was issued on 17th October, 2015 and has been served upon the petitioner on 23rd October, 2015. Mr. Jakhadi, learned advocate states that he has no instructions to appear in the matter. Though the notice is issued by this Court, the petitioner is absent.
  - 2. The election petition is accordingly dismissed for want of prosecution.
- 3. The office is directed to communicate about the out come of this petition to the authorities concerned i.e. to the Election Commissioner as well as to the Speaker of the House in compliance with section 103 of the Representative of People Act, 1951 expeditiously.

R. D. DHANUKA, J.

By order,

A. N. DAS,

Secretary, Election Commission of India.

निर्वाचन सदन, अशोक रोड,  $\frac{22 \text{ मार्च } 2016}{2 \text{ चैत्र, } 1938 \text{ (शक)}}$ 

## अधिसूचना

सं.-82/महा-वि.स./19/2014.—लोक प्रतिनिधित्व अधिनियम, 1951, (1951 का 43) की धारा 106 के अनुसरण में, भारत निर्वाचन आयोग, 2014 की निर्वाचन याचिका सं. 19 में मुम्बई उच्च न्यायालय के दिनांक 23 नोव्हेंबर 2015 के निर्णय/आदेश को एतद्द्वारा प्रकाशित करता है।

# IN THE HIGH COURT OF JUDICATURE AT BOMBAY ORDINARY ORIGINAL CIVIL JURISDICTION

Election Petition No. 19 Of 2014

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V/s.

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R. D. DHANUKA, J.

आदेश से.

**ए. एन. दास,** सचिव, भारत निर्वाचन आयोग।

क्रमांक ईपीटी. २०१६/प्र. क्र. २१३/१६/३३, सामान्य प्रशासन विभाग मादाम कामा मार्ग, हुतात्मा राजगुरू चौक, मंत्रालय विस्तार, मुंबई ४०० ०३२. दिनांक २६ एप्रिल २०१६.

प्रत माहिती व आवश्यक कार्यवाहीस्तव अग्रेषित —

- (१) सर्व जिल्हाधिकारी व जिल्हा निवडणूक अधिकारी.
- (२) निवड नस्ती.

शिरीष मोहोड,

अवर सचिव व उप मुख्य निवडणूक अधिकारी, महाराष्ट्र राज्य.